

WILLIAM A. MUNDELL
CHAIRMAN
JIM IRVIN
COMMISSIONER
MARC SPITZER
COMMISSIONER

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EXECUTIVE SECRETARY

ARIZONA CORPORATION COMMISSION

2001 MAY -7 A 9:22

DATE: MAY 7, 2001

Arizona Corporation Commission

DOCKETED

AZ CORP COMMISSION
DOCUMENT CONTROL

DOCKET NOS: T-03838A-00-0097

MAY 07 2001

TO ALL PARTIES:

DOCKETED BY	
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Enclosed please find the recommendation of Administrative Law Judge Stephen Gibelli.
The recommendation has been filed in the form of an Order on:

AMERICAN METROCOMM LONG DISTANCE CORPORATION
(CC&N/FACILITIES-BASED)

Pursuant to A.A.C. R14-3-110(B), you may file exceptions to the recommendation of the Administrative Law Judge by filing an original and ten (10) copies of the exceptions with the Commission's Docket Control at the address listed below by **4:00 p.m.** on or before:

MAY 16, 2001

The enclosed is NOT an order of the Commission, but a recommendation of the Administrative Law Judge to the Commissioners. Consideration of this matter has tentatively been scheduled for the Commission's Working Session and Open Meeting to be held on:

MAY 22, 2001 AND MAY 23, 2001

For more information, you may contact Docket Control at (602)542-3477 or the Hearing Division at (602)542-4250.

BRIAN C. McNEIL
EXECUTIVE SECRETARY

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 WILLIAM A. MUNDELL
CHAIRMAN

3 JIM IRVIN
COMMISSIONER

4 MARC SPITZER
COMMISSIONER

5
6 IN THE MATTER OF THE APPLICATION OF
AMERICAN METROCOMM LONG DISTANCE
7 CORPORATION FOR A CERTIFICATE OF
CONVENIENCE AND NECESSITY TO PROVIDE
8 COMPETITIVE FACILITIES-BASED AND
RESOLD LOCAL EXCHANGE AND
9 INTEREXCHANGE TELECOMMUNICATIONS
SERVICES

DOCKET NO. T-03838A-00-0097

DECISION NO. _____

ORDER

10 Open Meeting
11 May 21 and 22, 2001
12 Phoenix, Arizona

BY THE COMMISSION:

13 Having considered the entire record herein and being fully advised in the premises, the
14 Arizona Corporation Commission ("Commission") finds, concludes, and orders that:

15 **FINDINGS OF FACT**

16 1. On February 10, 2000, American MetroComm Long Distance Corporation
17 ("AMLDC" or "Company") filed with the Commission an application for a Certificate of
18 Convenience and Necessity ("Certificate") to provide competitive facilities-based and resold local
19 exchange and interexchange telecommunications services within the State of Arizona.

20 2. In Decision No. 58926 (December 22, 1994), the Commission found that resold
21 telecommunications providers ("resellers") were public service corporations subject to the
22 jurisdiction of the Commission.

23 3. On August 9, 2000, Staff docketed a letter sent to AMLDC's consultant to inform
24 AMLDC that Staff required additional information to process its application.

25 4. On October 31, 2000, Staff filed a Staff Report recommending denial of the
26 application due to the Company's repeated failure to respond to data requests.

27 5. On December 6, 2000, a Procedural Order was issued requiring the Company to
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1 publish notice and file Affidavits of Publication. The Procedural Order stated that the failure of the
2 Company to comply with the Procedural Order shall result in the denial of its application without a
3 hearing.

4 6. The record shows that the Company has not published notice.

5 7. AMLDC has not requested a hearing, answered Staff's data requests, or contacted
6 Staff.

7 CONCLUSIONS OF LAW

8 1. Applicant is a public service corporation within the meaning of Article XV of the
9 Arizona Constitution and A.R.S. §§ 40-281 and 40-282.

10 2. The Commission has jurisdiction over Applicant and the subject matter of the
11 application.

12 3. Notice of the application was not given in accordance with the law.

13 4. AMLDC is not a fit and proper entity to receive a Certificate for providing competitive
14 facilities-based and resold local exchange and interexchange telecommunications services in Arizona.

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ORDER

IT IS THEREFORE ORDERED that the application of American MetroComm Long Distance Corp., L.L.C. for a Certificate of Convenience and Necessity for authority to provide competitive facilities-based and resold telecommunications services, shall be, and the same is hereby denied.

IT IS FURTHER ORDERED that this Decision shall become effective immediately.

BY ORDER OF THE ARIZONA CORPORATION COMMISSION.

CHAIRMAN

COMMISSIONER

COMMISSIONER

IN WITNESS WHEREOF, I, BRIAN C. McNEIL, Executive Secretary of the Arizona Corporation Commission, have hereunto set my hand and caused the official seal of the Commission to be affixed at the Capitol, in the City of Phoenix, this ____ day of _____, 2001.

BRIAN C. McNEIL
EXECUTIVE SECRETARY

DISSENT _____
SG:mlj

1 SERVICE LIST FOR: AMERICAN METROCOMM LONG DISTANCE
2 CORP., L.L.C.

3 DOCKET NO.: T-03838A-00-0097
4

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